Integrity at Risk: Structural Weaknesses in the EU's Regulation of the Revolving Door

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Abstract

The revolving door phenomenon, essentially describing the transition of public officials into private sector roles, has always been a prevalent, yet underestimated issue in bureaucratic environments such as the European Union's institutional system. Despite its systemic nature the problem remains insufficiently addressed in the regulatory sense. Following the specific definition of the problematic areas, this article offers a comprehensive legal analysis of the current regulatory framework concerning the revolving door phenomenon, highlighting its shortcomings particularly regarding post-employment restrictions, monitoring mechanisms and sanctioning capacities.

Keywords: revolving door, enforceability, effectiveness, democracy, ethics

I. Introduction

The President of the European Commission is one of the European Union's most important officials, given the vital nature of the body he or she heads.[1] José Manuel Barroso held this role between 2004 and 2014 and during his two mandates he strongly centralised the Commission's activities,[2] thus undoubtedly having a decisive influence on most EU policies.[3] With all this in mind, the public outcry was completely understandable after the former president was hired by Goldman Sachs International, which played a significant role in the "masking" of Greece's budget deficit[4] and the outbreak of the 2008 global economic crisis,[5] after the expiry of his 18-month cooling-off period.[6]

Barroso's example is just one of many, as six of the 13 commissioners who left between 2009-2010 went through the so-called revolving door to work for private companies such as the lobbying companies Fleishman-Hillard and Fipra,

[1] Ernő Várnay and Mónika Papp, *Magyarázat az Európai Unió jogáról* (Wolters Kluwer 2023) 86.

[2] Hussein Kassim and others, *The European Commission of the Twenty-First Century* (Oxford University Press 2013) 174.

[3] Zoltán Angyal, 'Az Európai Bizottság' in Osztovits András (ed), *EU-jog* (HVG Orac 2021) 105-110.

[4] Beat Balzli, 'How Goldman Sachs Helped Greece to Mask its True Debt' *Spiegel International* (8 February 2010) <https://www.spiegel.de/international/europe/greek-debt-crisis-how-goldman-sachs-helped-greece-to-mask-its-true-debt-a-676634.html> accessed 20 May 2025.

[5] 'Goldman Sachs Agrees to Pay More than $5 Billion in Connection with Its Sale of Residential Mortgage Backed Securities Goldman Sachs Agrees to Pay More than $5 Billion in Connection with Its Sale of Residential Mortgage Backed Securities' (*U.S. Department of Justice* 11 April 2016) <https://www.justice.gov/archives/opa/pr/goldman-sachs-agrees-pay-more-5-billion-connection-its-sale-residential-mortgage-backed> accessed 20 May 2025.

[6] 'Ex-European Commission head Barroso under fire over Goldman Sachs job' *BBC* (13 July 2016) <https://www.bbc.com/news/world-europe-36787931> accessed 20 May 2025.

the insurance company Munich Re or the banking conglomerate BNP Paribas.[7] Of course, this is not just a phenomenon that affects Commission officials, but similar movements can also be observed regularly within the European Investment Bank (EIB),[8] the European Central Bank (ECB)[9] and other EU bodies.

This undermines the integrity, transparency, democratic nature of- and public trust in the EU administration, as the private interests of officials are and may be in significant conflict with the public interest they serve. In addition, democracy also plays a key role in the European Union from a legal point of view, as Article 2 of the Treaty on European Union (TEU) names it as a fundamental value. Article 298 of the Treaty on the Functioning of the European Union (TFEU) gives the institutions, bodies, offices and agencies the right to have the support of an open, efficient and independent European administration. From the point of view of the citizen of the Union, Article 41 of the Charter of Fundamental Rights of the European Union (the Charter) is relevant, which mentions the right to good administration, giving them the right to have their affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.

With this in mind, it cannot be said that the problem briefly illustrated above is of a purely ethical or political nature, since its EU law aspect is clearly visible. Accordingly, my aim in this article is to present the revolving door problem in the European Union as comprehensively as possible from a legal point of view and to analyse the practices of the bodies most affected. However, as a first step, it is essential to create a definition of the revolving door phenomenon that is appropriate and consistently applied from the point of view of the study.

II. Definition

The revolving door phenomenon does not presuppose a unilateral change of position, but the movement of public and private sector employees between the two sides of the 'door' in this sense. There is a so-called 'entrance' and an 'exit' rotation. The former is intended to express when a person from the private sec-

[7] Jens Clausen, 'Revolving door provides privileged access' (*Alter-EU* February 2011) <https://www.corporateeurope.org/sites/default/files/sites/default/files/files/resource/revolving_door_provides_privileged_access.pdf> accessed 20 May 2025.

[8] Anna Roggenbuck and Teodóra Dönsz-Kovács, Soft landing, 'New high-level EIB 'revolving door' revelations suggest systemic issue persists' (*Bankwatch Network* 1 March 2024) <https://bankwatch.org/blog/soft-landing-new-high-level-eib-revolving-door-revelations-suggest-systemic-issue-persists> accessed 20 May 2025.

[9] Hannah Brenton, 'Ombudsman investigates 'revolving doors' at ECB after senior economist leaves for US bank' *Politico* (3 March 2022) <https://www.politico.eu/article/ombudsman-investigates-revolving-doors-at-ecb-after-senior-economist-leaves-for-us-bank/> accessed 20 May 2025.

tor moves to the public service, while the latter means the opposite, i.e. leaving the public service and finding a job in the private sector. Entrance movements are rarely problematic, as in general, the Member States, the EU itself or EU citizens play a role in the appointment of individual officials, so access is not just a matter of individual decision. However, individual decisions and interests play a much greater role in finding employment after leaving the European administration, partly due to the shortcomings of the existing regulation. For this reason, there are two ways to define revolving door in the EU, using a narrower and a broader definition. EU institutions and bodies prefer to use the narrow variant, which focuses only on the exit movement, as opposed to the concept of revolving door phenomenon in the broad sense, which appears from time to time in the relevant literature, which considers both entry and exit style changes as conceptual elements.[10]

In addition to these, a further distinction must be made before defining the concept. This is the revolving door phenomenon in the strict and loose sense. A strict definition is when a former civil servant is employed in a branch of the private sector that is regulated by his former public employer; loose is only the later employment in the private sector, regardless of regulator.[11] This is of paramount importance because leaving the public service and taking up employment in the private sector cannot be considered problematic in itself.

With all this in mind, I consider a specific, *narrow* but *not strict*, definition to be suitable for the analysis of the problem at hand, which reads as follows: From the point of view of the European Union, the revolving door phenomenon means that a person who no longer actively performs his duties in the EU civil service–due to the termination of his or her service or unpaid leave–takes a job in the private sector, where he or she performs activities for which he or she uses his or her EU experience and contacts for his or her own or someone else's private interests, which may lead to a situation of conflict of interest.

In my opinion, the concept thus created adequately delimits the problem in the light of its questionable elements and does not allow the topic to be expanded in such a way as to trivialise its negative effects.

III. Abnormalities

In order to understand how current and profound the problem caused by the revolving door phenomenon is, it is essential to briefly introduce these abnormalities.

[10] David Coen and Colin Provost, 'Revolving doors' in Phil Harris and others (eds), *The Palgrave Encyclopedia of Interest Groups, Lobbying and Public Affairs* (Palgrave Macmillan 2022) 1170.

[11] Adam William Chalmers and others, 'In and out of revolving doors in European Union financial regulatory authorities' (2022) 16 Regulation and Governance 1233.

1. Conflict of interest

The Organisation for Economic Co-operation and Development (OECD) defines a conflict of interest as follows: "A conflict of interest involves a conflict between the public duty and the private interest of a public official, in which the official's private-capacity interest could improperly influence the performance of their official duties and responsibilities."[12] The revolving door phenomenon can give rise to a number of situations which undoubtedly exhaust that concept. In the following, I will explain the typical manifestations of these.

1.1. Quasi-regulatory capture

The term regulatory capture is used when an industry regulator puts the interests of the industry it regulates over the public interest as a result of certain factors.[13] I call the current situation *quasi*-regulatory capture because the EU bodies cannot be said to serve the interests of regulated industries instead of the public interest in general, but such a tendency can be detected occasionally at the level of individual officials, especially at senior positions. This brings us to the threshold of the revolving door phenomenon, as these people may start to treat certain companies in a preferential way while still being public servants, in order for them to later repay the 'favour' by offering a well-paying job.[14] This is most often observed in the financial sector,[15] but the general political decision-making and executive bodies are not too underrepresented either, which I will later confirm. In this way, officials use positions that citizens have the greatest interest in the proper, fair and impartial functioning of as a mere stepping stone, creating a conflict of interest.

The illegality of the practice may also arise, the assessment of which depends on the legislation of the given Member State. However, such offers are usually made with subtle allusions that may not even be noticed by the official's colleagues, thus rendering the alleged crime essentially unprovable.[16]

An excellent example is the case of Vazil Hudák, who, as EIB Vice-President, played a significant role in approving a EUR 200 million loan for the expansion

[12] 'Managing Conflict of Interest in the Public Sector' (*OECD* 2005) <https://www.oecd.org/content/dam/oecd/en/publications/reports/2005/08/managing-conflict-of-interest-in-the-public-sector_g1gh5807/9789264018242-en.pdf> accessed 22 May 2025.

[13] David Thaw, 'Enlightened regulatory capture' (2014) 89 Washington Law Review 329.

[14] 'Post-Public Employment' (*OECD* 23 August 2010) <https://www.oecd.org/en/publications/post-public-employment_9789264056701-en.html> accessed 22 May 2025.

[15] Chalmers and others (n 11).

[16] 'Post-Public Employment' (*OECD* 23 August 2010) <https://www.oecd.org/en/publications/post-public-employment_9789264056701-en.html> accessed 22 May 2025.

of the Budapest Liszt Ferenc International Airport.[17] His mandate lasted until October 2019, and in January 2020 he[18] was appointed as a member of the Board of Directors of Budapest Airport Zrt., before the expiry of his[19] 12-month cooling-off period under the rules in force at the time. However, for the sake of completeness, it is important to note that this is one of the rare cases where the mechanisms to prevent revolving door conflicts of interest from occurring have worked well and the EIB's Ethics and Compliance Committee has not allowed Vazil Hudák to fill the position.[20]

1.2. Influencing

Lobbying is not only a common and accepted activity in the United States, but also plays a significant role in the formulation of the European Union's policies, given the EU's ever-expanding competences[21] and complex legislative processes.[22] Although this activity is legal, it is far from free of conflicts, as European public opinion continues to take the view that too close a relationship between business and politics leads to corruption. In the Eurobarometer survey conducted in February-March 2024, 75% of respondents agreed with the above statement, and even Denmark, which produced the most divided results, is in last place with a result of 52%.[23]

It is often mentioned as an argument in favour of lobbying that this kind of exchange of ideas between the public and private sectors does not result in legislation being created in a hermetically sealed environment. In this way, the public sector can access the human capital of private entities and take a broader

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[17] 'Hungary: Investment Plan for Europe - EIB supports further expansion of Budapest's Liszt Ferenc International Airport' (*European Investment Bank* 14 December 2018) <https://www.eib.org/en/press/all/2018-345-investment-plan-for-europe-eib-supports-further-expansion-of-budapest-liszt-ferenc-international-airport> accessed 22 May 2025.

[18] 'EIB Management Committee Code of Conduct' (14 March 2019), <https://www.eib.org/files/publications/thematic/code_conduct_MC_en.pdf> accessed 23 May 2025.

[19] 'Sir Michael Hodgkinsont és Vazil Hudákot nevezte ki igazgatósági tagnak a Budapest Airport' <https://www.bud.hu/budapest_airport/media/hirek/aktualis_sajtokozlemenyek/hirek_2020/sir_michael_hodgkinsont_es_vazil_hudakot_nevezte_ki_igazgatosagi_tagnak_a_budapest_airport.html> accessed 23 May 2025.

[20] 'EIB Ethics and Compliance Committee Annual Report 2020' <https://www.eib.org/files/publications/ecc_annual_report_2020_en.pdf> accessed 23 May 2025.

[21] David Coen and Jeremy Richardson, 'Learning to Lobby the European Union: 20 Years of Change' in David Coen and Jeremy Richardson (eds), *Lobbying the European Union: Institutions, Actors, and Issues* (Oxford University Press 2009) 7.

[22] Heike Klüver and others, 'Legislative Lobbying in Context: Towards a Conceptual Framework of Interest Group Lobbying in the European Union' (2015) 22 Journal of European Public Policy 447.

[23] 'Citizens' attitudes towards corruption in the EU in 2024' <https://europa.eu/eurobarometer/surveys/detail/3217> accessed 24 May 2025.

perspective on regulating a given problem or industry.[24] However, it can be problematic that the public interest and lobbying interests often do not coincide, in which case officials and institutions have to weigh between the two.[25]

However, impartial weighing may be significantly hampered if the interests of one or more large companies are represented by a former colleague of the official who has to prepare or make the decision. This is where the revolving door problem comes into play, as the number of ex-EU officials who leave the public service and end up at a lobbying firm is not negligible at all. According to a report by Transparency International EU, 161 MEPs left politics after the 2009-2014 parliamentary term, of which 30%, or 48 people, were employed by registered lobbying organisations.[26] Of these, 26 people were employed by companies operating in Brussels within two years of the end of their mandate.[27] During the same period, those who left the Commission did not sit idly by, with 15 of the 27 Commissioners choosing the same career path as the above-mentioned MEPs.[28] These figures really show how common and deliberate it has become to employ outgoing high-ranking EU bureaucrats in certain areas of the private sector.

The problem lies mainly in the fact that these people 'take with them' their network of contacts, reputation and circle of friends acquired during their term of office,[29] i.e. the so-called bureaucratic capital,[30] so it is possible that they will be in a privileged position in front of their former colleagues and will have easier access to them.[31] As a result, a perpetual cycle may develop between the quasi-regulatory trap and the conflict of interest situations of influencing, as it is quite possible that ex-officials who are already working as lobbyists will also make current officials go through the revolving door.

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[24] Silvia Kotanidis, 'Rules on 'revolving doors' in the EU' (April 2024) <https://www.europarl.europa.eu/RegData/etudes/IDAN/2024/762290/EPRS_IDA(2024)762290_EN.pdf> accessed 23 May 2025.

[25] Anne Rasmussen and others, 'With a Little Help From The People? The Role of Public Opinion in Advocacy Success' (2018) 51 Comparative Political Studies 139.

[26] Raphaël Kergueno, 'Access All Areas – When EU politicians become lobbyists' (31 January 2017) <https://transparency.eu/access-all-areas/> accessed 24 May 2025.

[27] ibid.

[28] ibid.

[29] Chalmers and others (n 11).

[30] Elise S. Brezis and Joël Cariolle, 'Financial Sector Regulation and the Revolving Door in US Commercial banks' in Norman Schofield and Gonzalo Caballero (eds), *State, Institutions and Democracy* (Springer 2016) 6.

[31] Post-Public Employment' (*OECD* 23 August 2010) <https://www.oecd.org/en/publications/post-public-employment_9789264056701-en.html> accessed 24 May 2025.

2. Transparency, integrity and public trust

The conflict of interest situations described above are recurring elements of European politics as part of the revolving door phenomenon, as the examples show. In an open letter to Ursula von der Leyen on 17 May 2024, Emily O'Reilly, then European Ombudsman, warns that this practice "can have a negative impact on public trust, feed Eurosceptic sentiment and undermine the EU's trade, competition or other interests."[32] The letter was sent by the Ombudsman as part of an inquiry into another incident, as Henrik Morch, a former high-ranking official in the European Commission's Directorate-General for Competition, had been hired at the Brussels branch of the US law firm Paul Weiss.[33] Another concern is that the Commission is not preventing revolving door movements that serve the interests of companies outside the EU, in particular with the internal information obtained in this way.[34] This could undermine the integrity of the body, as it should only promote and protect the interests of the EU in its operation.[35]

In addition, the principle of transparency, which is also enshrined in Article 15(1) of the TFEU, is significantly overshadowed when it comes to revolving door movements. At the Ombudsman's repeated requests, the Commission has set up a platform to publish the authorised professional activities of former Commissioners, together with the relevant Commission decisions and the opinions of the Independent Ethics Committee.[36] However, this solution is far from sufficient as regards the EU's institutional system, as no other institution has a similar database available to the public. The principle of transparency cannot be satisfied by the annual reports either, given that they do not contain data on all cases and that too long a period of time may elapse between the adoption of decisions on individual cases and their publication.[37] To detect these, investigations

[32] 'How the European Commission handles revolving door moves by senior staff members from its Directorate-General for Competition to corporate law firms' (24 September 2024) <https://www.ombudsman.europa.eu/en/opening-summary/en/186549> accessed 24 May 2025.

[33] 'Leading EU Competition Lawyer Joins Paul, Weiss as Firm Opens Office in Brussels' (08 May 2024) <https://www.paulweiss.com/insights/firm-news/leading-eu-competition-lawyer-joins-paul-weiss-as-firm-opens-office-in-brussels> accessed 24 May 2025.

[34] 'How the European Commission handles revolving door moves by senior staff members from its Directorate-General for Competition to corporate law firms' (24 September 2024) <https://www.ombudsman.europa.eu/en/opening-summary/en/186549> accessed 24 May 2025.

[35] Angyal (n 3) 95.

[36] 'Former European Commissioners' authorised occupations' <https://commission.europa.eu/about/service-standards-and-principles/ethics-and-good-administration/commissioners-and-ethics/former-european-commissioners-authorised-occupations_en?prefLang=hu> accessed 24 May 2025.

[37] 'Decision of the European Ombudsman in case OI/1/2021/KR on how the European Commission deals with the 'revolving door' phenomenon of staff members' <https://www.

are often required by NGOs or news portals operating in this sector. It should be pointed out that transparency does not reach the desired level on the subject under discussion to such an extent that in some literature articles the movements between EU bodies and the private sector are labelled as less obvious,[38] in my opinion, incorrectly, in the light of the data mentioned.

Finally, based on surveys, it can be stated that since the 2006-2007 period, there has not been a time when more than 50 percent of those surveyed have said they trusted the EU.[39] Of course, it is not only the improper management of ethically questionable career paths that affects trust in the EU, but it certainly does not change the opinion of the sceptics in the light of the aforementioned shortcomings.

3. Fair competition

The fairness of economic competition is of fundamental importance in modern democratic societies.[40] Against that background, Article 3(3) TEU sets the objective of establishing an internal market for the European Union. And Protocol No. 27 to the TEU and TFEU states that the system thus established ensures that competition is not distorted. However, this fundamental institution is also being undermined by the revolving door phenomenon. All of the conflicts of interest situations described above may give the beneficiary company an unfair advantage, although in most cases without prejudice to EU competition rules. However, there are also aspects that can result in distortions of economic competition.

By regularly employing high-ranking officials from the EU administration, some large companies accumulate significant bureaucratic capital. This is capable of creating a level of influence that gives these companies an unfair advantage over others, that do not have the opportunity to employ similar people.[41] The advantage may take the form of privileged access to funding, special treatment in public procurement,[42] or a better ability to assert interests vis-à-vis the institution of the former official.[43]

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ombudsman.europa.eu/hu/decision/en/155953> accessed 24 May 2025.

[38] Coen and Provost (n 10) 1174.

[39] 'Standard Eurobarometer 98 - Winter 2022-2023' <https://europa.eu/eurobarometer/surveys/detail/2872> accessed 24 May 2025.

[40] 'Are Competition and Democracy Symbiotic?' (*OECD* 7-8 December 2017) <https://one.oecd.org/document/DAF/COMP/GF/WD(2017)1/en/pdf> accessed 25 May 2025.

[41] Elise S. Brezis and Joël Cariolle, 'The revolving door, state connections, and inequality of influence in the financial sector' (2019) 15 Journal of Institutional Economics, 595.

[42] Brezis and Cariolle (n 30) 1.

[43] Simon Luechinger and Christoph Moser, 'The European Commission and the revolving door'

The biggest problem, however, lies in the information that is 'exported' to the private sector through the revolving door. This can primarily be organisational knowledge, with which the hiring company gets an insight into the operation of an EU institution, possibly ongoing cases or legislation that is still being adopted.[44] Secondly, it is possible that the former bureaucrat is providing sensitive and, in the worst case, secret information about competitors to his new employer.[45]

It is true that Article 339 of the TFEU requires the staff of the institutions to maintain confidentiality even after the end of the civil service. However, we cannot rule out the possibility that confidential information will fall into the hands of competitors, who may gain an unfair advantage, as compliance with the regulations is practically untraceable.

Even the illusion of the abovementioned situations reflects poorly on the institutions of the European Union, and it is therefore vital that we keep the practices that have led to this under control through appropriate regulation and its effective implementation.

IV. Regulatory background

I have already mentioned that, in my opinion, the regulation of revolving doors in the EU is not effective enough. In order to support this, it is essential to examine the legal background in force. I consider it worth emphasising that I do not consider it necessary to carry out an in-depth analysis of the text of the TEU and the TFEU, since they contain general, framework-like requirements for the conduct of individual officials. Thus, secondary law forms a special system of norms that fills the framework in accordance with these and in accordance with them. However, we must not forget that the need to create a regulation on the conduct of officials is provided by the primary sources of law. Based on these, the EU public administration must comply with various guarantee requirements, such as transparency[46] or impartiality,[47] for the creation and maintenance of which it is essential to prescribe the appropriate behaviour of individuals.

1. General Staff Regulations

The Staff Regulations of Officials of the European Union[48] in principle applies

(2020) 127 European Economic Review <https://doi.org/10.1016/j.euroecorev.2020.103461> accessed 24 May 2025.

[44] ibid.

[45] ibid.

[46] TFEU art 15; Charter of Fundamental Rights, art. 42.

[47] Charter of Fundamental Rights, art. 41.

[48] Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the

to the staff of all the EU institutions and agencies,[49] therefore I will refer to it in some places as the General Staff Regulations. The legislation is published in the form of a regulation. This grants employees almost complete immunity from national labour law, in line with the principle of primacy of EU law. So we can say that we are talking about the EU's internal labour code.

The current regulation addresses the issue of the impartiality of officials and the elimination of conflicts of interest in a number of places.[50] Article 11 contains such essential provisions. In particular, it requires staff to carry out their duties solely in the interests of the Union in mind.[51] Gifts, recognitions, honours, and benefits may not be accepted without the permission of the appointing authority.[52] And in close connection with this, Article 12 provides that "[a]n official shall refrain from any action or behaviour which might reflect adversely upon his position." These clauses may be suitable in principle to prevent influence by external persons. The real problem, however, lies in the uncontrollability and thus the unenforceability of compliance with the rules.

However, the above can only be considered tangential in terms of eliminating the negative effects of the revolving door phenomenon. The *corpus* of the legislation is embodied in Article 16 of the General Staff Regulations. Paragraph 1 of that provision also requires an official to behave with integrity and discretion in accepting appointments and benefits after leaving the service. Paragraph 2 creates a specific obligation to provide information for 2 years after leaving the service if the official wishes to take up gainful occupational activity. Any investigation is only included if the activity is related to the work carried out by the official during the last three years of his service and is likely to conflict with the legitimate interests of the institution.[53] In the latter case, the appointing authority may prohibit the exercise of the activity or impose conditions not specified by law. In this respect, the European Union therefore applies a strict definition of the revolving door phenomenon, and in the context of the loosely defined mode, only the obligation to provide information by means of a standardised form arises.

The answer to the question of what constitutes an activity which is "related to the work carried out by the official during the last three years of service" and which may lead to a "conflict with the legitimate interests of the institution"

Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community [1962] OJ P045/1385. (hereinafter: Staff Regulations).

[49] Staff Regulations, arts. 1-1a.

[50] Staff Regulations, arts. 11, 12 and 12b.

[51] Staff Regulations, art. 11(1).

[52] Staff Regulations, art. 11(2).

[53] Staff Regulations, art. 16(2).

within the meaning of the second sentence of Article 16(2) is provided by the case law of the Court of Justice of the European Union (CJEU). The Civil Service Tribunal first dealt with this issue in the case of Robert van de Water v. European Parliament. The applicant was a member of the temporary staff of the European Parliament in the third highest grade, namely AD14.[54] After his retirement, he wanted to work as an adviser to the then Prime Minister of Ukraine, Mykola Azarov,[55] which he was prohibited from doing by the appointing authority.[56] Mr. van de Water argued that the new activity to be taken up was not linked to the work carried out during the last three years of his service[57] and could not lead to a conflict with the legitimate interests of the institution, since the EP's activities were public.[58] With regard to the first complaint, the Tribunal found that it was clear from the wording of Article 16 that it was sufficient that the planned activity had *any* connection with the work carried out previously.[59] With regard to the second complaint, it also held that the appointing authority has a wide discretion as to whether the planned activity is contrary to the legitimate interests of the institution.[60] Building on that argument, in another case, the link between the planned work and the work carried out was also established by the fact that the applicant was the Head of the Delegation of the European Union to Cape Verde and subsequently wished to act as the diplomatic representative of the Sovereign Order of Malta in the same state.[61]

Knowing the relevant case law, we can continue with the details of the clause on the prohibition of lobbying and advocacy of senior officials which is also an undefined concept.[62] This covers the period of 12 months after leaving the service, but as with other activities, it also applies only to 'rotation' in the strict sense. Therefore, they may not take up such activities in areas for which they were responsible during the last three years in their service. In my opinion, this unnecessarily and excessively narrows the applicability of the restriction.

As I have already mentioned, even in the case of active employees, monitoring compliance with the provisions is an almost impossible task, which the insti-

[54] Case F-86/13 *Van de Water v European Parliament* [2014] ECLI:EU:F:2014:233 (hereinafter: F-86/13), para. 6.

[55] ibid para. 7.

[56] ibid para. 12-13.

[57] ibid para. 41.

[58] ibid para. 42.

[59] ibid para. 48.

[60] ibid para. 51.

[61] Case T-667/18 *José Manuel Pinto Teixeira v European External Action Service* [2019] ECLI:EU:T:2019:821.

[62] Staff Regulations, art. 16(3).

tutions are either unwilling or unable to do. The control after the termination of service is an even greater challenge. The problem also lies in the fact that in the latter case, the violations will almost certainly remain unsanctioned or, if imposed, they will no longer achieve their original purpose. Certain types of disciplinary sanctions are set out in Article 9(1) and (2) of Annex IX to the Staff Regulations. The applicability of these is illustrated in the following table for persons no longer employed by the EU:

Table 1: Sanctions regime of the General Staff Regulations for former employees [63]

Sanction	Applicability
(a) a written warning;	APPLICABLE
(b) a reprimand;	
(c) deferment of advancement to a higher step for a period of between one and 23 months;	NOT APPLICABLE
(d) relegation in step;	
(e) temporary downgrading for a period of between 15 days and one year;	
(f) downgrading in the same function group;	
(g) classification in a lower function group, with or without downgrading;	
(h) removal from post and, where appropriate, reduction pro tempore of a pension or withholding, for a fixed period, of an amount from an invalidity allowance […]	
(2) […] withhold an amount from the pension or the invalidity allowance for a given period […]	APPLICABLE IN SOME CASES

It is clear that the measures of paragraph (1) c)-h) of the disciplinary regime may only have an effect on persons who are employed by the European Union. These are therefore unsuitable for sanctioning those who have been employed in the private sector and have subsequently violated their obligations. Points (a) and (b) of paragraph (1), which are fully applicable, have a purely moral content, and there is no real disadvantage for the person subject to the sanction in connection with them. Paragraph (2) may be a realistic instrument if the former official who offended the rules is in receipt of an EU pension or a invalidity allowance. It is questionable whether this will achieve its purpose when the problem we are trying to remedy is precisely that bureaucrats are migrating to the private sector

[63] Author's own creation.

in order to achieve higher incomes.

It may be envisaged that, if no disciplinary measure can be imposed, the appointing authority should exercise its right to prohibit or impose conditions under Article 16(2). However, these are quite difficult to exercise if even high-ranking officials do not comply with their obligation to provide information. As was the case, for example, with former EU Ambassador to Washington John Bruton or Petra Erler, former Chief of Staff of Commissioner Verheugen.[64] Given that the European Union does not have a body specifically monitoring the further employment of its former officials, and that these individuals simply do not inform the appointing authority of this, it is often unaware that it can exercise these rights.

Based on the above, I believe that I have clearly supported the inadequacy of this segment of the current regulation to completely exclude the negative effects caused by the revolving door phenomenon. Given that the Staff Regulations of Officials of the European Union do not apply to the Members of the European Commission or to Members of the European Parliament, while they are the institutions most affected by this problem,[65] I shall now analyse the specific legislation of these two institutions.

2. European Commission

The Commission also mentions in the preamble to its Code of Conduct, which has been in force since 1 February 2018,[66] that the aim of the new regulation is to take into account the experience gained during the review and application of the previous Code of 20 April 2011 and the high ethical standards expected of the members of the Commission.[67] The preamble also refers to the taking of the oath by the members of the Commission, which explicitly covers that they would behave with integrity and discretion as regards the acceptance of certain appointments or benefits, after they have ceased to hold office.[68] In my opinion, the idea formulated in these two paragraphs of the preamble can be a great starting point for overcoming the problem, since the first step is to recognise the disorder. On this basis, it can be concluded that the Commission is certainly

[64] Jens Clausen and Vicky Cann, 'Block the revolving door: why we need to stop EU officials becoming lobbyists' (*Alter-EU* November 2011) <https://www.alter-eu.org/sites/default/files/documents/AlterEU_revolving_doors_report_0.pdf> accessed 25 May 2025.

[65] Kergueno (n 26).

[66] Commission Decision of 31 January 2018 on a Code of Conduct for the Members of the European Commission [2018] OJ C65/7 (hereinafter: Commission Code of Conduct) Article 14 (3).

[67] ibid preamble (5).

[68] ibid preamble (4).

aware of the ethical and integrity implications of the practice under discussion. However, high-sounding principles and promises do not always lead to effective regulation.

Like the General Staff Regulations, the Commission's Code contains provisions that we need to examine, such as those relating to the preservation of the dignity of office,[69] the acceptance of gifts,[70] conflicts of interest[71] and lobbying.[72] It is also worth mentioning the transparency register standard, which stipulates that "Members and their members of Cabinet shall meet only those organisations or self-employed individuals, which are registered in the Transparency Register established pursuant to the Interinstitutional agreement on this matter between the European Parliament and the Commission inasmuch as they fall under its scope."[73] This is a rather positive element in terms of transparency and accountability, as it allows only those who are registered in the register to represent their interests in relation to the signatory institutions, i.e. the Commission, the EP and the Council.[74]

In addition, the rules of the Code tend to set out stricter or more precise requirements than those laid down in the TFEU and the General Staff Regulations, but rarely differ from them in their essential elements. One of the most important differences is contained in Article 2(6), which states that "Members shall avoid any situation which may give rise to a conflict of interest or which may reasonably be perceived as such." This can definitely be seen as a step forward in the sense that this provision requires the members of the Commission to refrain not only from situations that lead to a conflict of interest, but also from situations that may be *perceived* as such. Thus, expecting behaviour from the commissioners in order to avoid the appearance of a conflict of interest, which can be considered an extremely strict (but difficult to control) requirement.

The provisions for the period after the term of office are also more significant than the general rules. In terms of its essential elements, it prescribes a 2-month in advance notification requirement if the former commissioner intends to carry out professional activities–with or without remuneration–within 2 years after they have ceased to hold office.[75] At first glance, this is quasi-identical to the

[69] Commission Code of Conduct, art. 2 (5).

[70] ibid art. 6 (4).

[71] ibid arts. 2 (6), 3, 4.

[72] ibid art. 11 (4).

[73] ibid art. 7.

[74] Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register [2021] OJ L207/1 preamble (7).

[75] Commission Code of Conduct, art. 11 (2).

general rules. At this stage, however, the possibility–or if the planned activity is related to the former member's portfolio, the requirement–of the procedure of an Independent Ethical Committee intervenes.[76] In my opinion, this appears as an important and forward-looking new element, as the establishment of an independent ethics body in such sensitive cases can be imperative for proper implementation.

At the request of the President of the European Commission, the Independent Ethical Committee, consisting of three members, advises on ethical issues related to the Code of Conduct and can also make general recommendations.[77] A further significant role is played by that body in the event of a breach of the Code by the addressee, in the course of which it has the right to give an opinion, which the Commission takes into account in its decision.[78] It is also worth highlighting here that in the case of such an offence, when there is no reason to turn to the CJEU, the only sanction is a reprimand, which may be made public if necessary.[79]

In the context of lobbying, the Code of Conduct prohibits former members, namely that they may not engage in such activities with current members or their employees, either for themselves or on behalf of others. The ban is also narrowed immediately, as it is only to be applied in the area that belonged to the portfolio of the former member in the two years preceding the termination of his or her term of office.[80] It is interesting that the provision does not contain a temporal clause *expressis verbis*, based on which it can also be interpreted as meaning perpetual prohibition. The General Staff Regulations, as detailed earlier, provide for a period of 12 months regarding this issue, for senior officials. The question may also arise as to whether this could be applied *mutatis mutandis* in the present case. At the same time, Article 11(5) of the Code of Conduct extends the President's obligation to provide information and his or her obligation to refrain from lobbying after the end of his or her term of office to three years. It is questionable what this provision extends in connection with lobbying to three years. Is the former president not allowed to lobby on matters for which he was responsible for in the three years before the end of his term of office? This does not seem to be a logical solution. The answer may come from practice, as in the case of two former Commissioners, Violeta Bulc[81] and Günther Oetting-

[76] Commission Code of Conduct, art. 11 (3).

[77] Commission Code of Conduct, art. 12 (1).

[78] ibid art. 13 (3).

[79] ibid.

[80] ibid art. 11 (4).

[81] See: Decision of the European Commission on the post-mandate activities of former Commissioner Violeta Bulc in relation to her consultancy firm 'Vibacom' C (2021) 9000 final art. 2 (a).

er[82], the Commission has decided that, as the mandates of both of them expired on 30 November 2019, their new lobbying firms will not be allowed to lobby the Commission until 30 November 2021, i.e. for a period of two years. We can therefore conclude that, based on the Commission's practice, Commissioners may not lobby their former institution for two years after their term of office, and the former president–by analogy–is banned for a period of three years.

In the light of the presentation of the Commission's internal rules and ethical system, I must emphasise that the systemic deficiencies caused by the revolving door phenomenon cannot be adequately reinstated by the introduction of more and more administrative and pseudo-obligations, however potent they may seem. In the present case, the unclear nature of the regulation and its sometimes dubious wording do not help its effectiveness. In the words of the former European Ombudsman, I believe that this kind of 'soft corruption'[83] can only be eliminated if the relevant rules are properly implemented and monitored, as I have already pointed out.

3. European Parliament

Knowing the content of the Commission's Code of Conduct, it is clear that there is willingness on the part of the institution to set stricter requirements for officials in positions of greater influence. This was not the case with the European Parliament before the 'Qatar-gate' corruption scandal in 2022. Previously, the EP did not have its own code of conduct that could be applied to the period after leaving office and to issues of conflicts of interest.[84] The case acted as a kind of catalyst and started the process of developing the relevant regulation.[85] As a first step, Parliament's President Roberta Metsola presented a reform plan in February 2023 to strengthen the institution's integrity, independence and accountability, which was also supported by the political group leaders.[86]

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[82] See: Decision of the European Commission on the professional activities of former Commissioner Günther Oettinger after his term of office as Director of Oettinger Consulting, Wirtschafts- und Politikberatung GmbH C (2021) 9037 final art. 2 (a).

[83] Jack Power, 'Emily O'Reilly: Revolving door between EU and lobbying firms is 'soft corruption'' *The Irish Times* (5 May 2024) <https://www.irishtimes.com/world/europe/2024/05/05/emily-oreilly-revolving-door-between-eu-and-lobbying-firms-is-soft-corruption/> accessed 25 May 2025.

[84] Ekaterini Despotopoulou, 'Those doors that keep revolving: reflections on a subject with hardly any case law' (2021) 22 ERA Forum 643.

[85] Olivier Costa, 'The European Parliament and the Qatargate' (2024) 62 Journal of Common Market Studies 76.

[86] 'Group leaders endorse first steps of parliamentary reform' (8 February 2023) <https://www.europarl.europa.eu/news/hu/press-room/20230208IPR72802/group-leaders-endorse-first-steps-of-parliamentary-reform> accessed 26 May 2025.

The revised rules, which are currently in force, are the Code of Conduct for Members of the European Parliament regarding Integrity and Transparency, that is Annex I to the Rules of Procedure of the European Parliament. This now also contains norms that can be applied to eliminate problematic situations caused by the revolving door phenomenon. These include, for example, the obligation to avoid situations of bribery, corruption or undue influence,[87] the rules on the acceptance of gifts[88] and the set of rules on the publication of meetings, i.e. the transparency register,[89] which are essentially the same as the Commission's provisions on the same subject.

In this context, I consider Article 9 on the activities of former MEPs to be suitable for explanation and the decision of the Bureau of 17 April 2023 as a necessary element for its interpretation. The latter lays down the rights and obligations of former MEPs. Persons with such status will be able to enter the premises of the European Parliament, including parking lots and restaurants reserved exclusively for Members.[90] They may also have limited access to the EP's IT systems.[91] These would undoubtedly prove to be very useful for a brand new lobbyist, as these would make it easy for him or her to reach the people he wants to influence. However, the Code of Conduct rightly deprives those former Members of Parliament of these rights who "engage in professional lobbying or representational activities directly linked to the European Union decision-making process."[92] The following paragraph contains a ban. This essentially stipulates that active MEPs "shall not engage […] in any activity" with a specific group of persons that would allow them to be influenced by the latter. This includes former MEPs whose mandate expired less than six months ago and are lobbyists registered in the Transparency Register or representatives of third-country authorities.[93] The question may rightly arise as to what qualifies as such a prohibited activity. There is no broader interpretation or exemplary list of this in the regulation, so its content can be significantly individualized during its application, which I consider to be a positive element.

Given that Article 9(2) refers to former MEPs whose mandate expired less than six months ago and who are already engaged in lobbying activities, it was pos-

[87] Rules of Procedure of the European Parliament Annex I: Code of Conduct for Members of the European Parliament on integrity and transparency (hereinafter: EP Code of Conduct) art. 2(b).

[88] ibid art. 6.

[89] ibid art. 7.

[90] Bureau Decision of 17 April 2023 on former Members of the European Parliament Article 2(1).

[91] ibid art. 5(1).

[92] EP Code of Conduct, art. 9 (1).

[93] ibid art. 9(2)

sible to guess that there was no cooling-off period for MEPs in this code. This results in a completely absurd situation, as the General Staff Regulations and the Commission's Code of Conduct contain a prohibition on lobbying. The office of MEP is a position with a great deal of responsibility and considerable influence, as the European Parliament as an institution to exercise its legislative, political and judicial control powers, through these individuals.[94] This is the first serious shortcoming in the EP's system of rules.

Like the structure of the Commission, Parliament has set up a committee on the conduct of Members, the Advisory Committee. From the point of view of the implementation of the regulations, I have already expressed my confidence in this solution. However, there is a glaring shortcoming here. The *independence of* the ethics committee is paramount to ensuring its effective and unbiased operation. The Advisory Committee is made up of eight MEPs with current mandates.[95] These members may *ipso facto* not be independent, for example, of the institution's presidency or of those belonging to their own political groups. Although the president must take into account gender and political balance when appointing members,[96] it is not possible to ensure that members are unbiased towards their own colleagues. We must also bear in mind that the European Parliament is a politically organised institution where, in proceedings against a particular person, there is a risk that members of other political groups will not necessarily be able to make recommendations guided solely by ethical rules. In order to avoid this, the participation of a member of the group of the person under investigation is always necessary in the committee,[97] but this is not necessarily sufficient to remedy the above-mentioned problem. The most appropriate solution would be for a professional apparatus completely independent of the European Parliament to deal with ethical issues, especially in view of the fact that the Advisory Committee also makes a recommendation on sanctions to the President after hearing the MEP concerned.[98]

On the basis of this, I can say that Parliament is taking a completely different approach to regulating the problem. It does not deal with the issues of the revolving door phenomenon after ceasing to be an MEP, but with the correct behaviour of MEPs *within* the organisation. However, I believe that the lack of a lobbying ban provision leaves a huge void. In addition, the six-month restriction imposed on active MEPs for activities with new lobbyists who have passed

[94] Marcel Szabó, 'Az Európai Parlament' in András Osztovics (ed), *EU-jog* (HVG Orac 2021) 117-121.

[95] EP Code of Conduct, art. 10 (2).

[96] ibid art. 10 (2).

[97] ibid art. 10 (3).

[98] ibid art. 11 (2).

through the revolving door cannot be said to be a sufficiently wide time interval. The six-month period can be interpreted as a pseudo-provision, as in the first few months after the formation of the EP, the emphasis is not necessarily on legislation, but rather on setting up various committees and preparing the substantive work.[99] Overall, although it is an unconventional concept, some elements of which can be used to eliminate anomalies, in its present form I believe that it is not comprehensive enough to fully achieve its purpose.

In addition, there is an interesting gap in time between the Commission's regulation, which has existed since 2018, and the regulation created by the EP in 2023. From this it can be perceived that the institutions are only willing to deal with the issue and introduce stricter regulations under the influence of a higher degree of social pressure.

4. Other institutions

I feel it is important to mention that I will omit a detailed analysis of the internal ethical regulations applied by the remaining institutions and bodies of the EU because they do not contain significant differences from the Commission's regulation[100] or the discussion of the revolving door phenomenon is not particularly relevant from their point of view.[101] However, I must highlight a few solutions that I consider to be particularly suitable for the effective enforcement of ethical standards.

For example, the Code of Conduct for high-level ECB officials lays down a general two-year obligation for those who leave the institution to provide information if they intend to engage in any gainful employment.[102] Similarly to the Commission's ethics requirement on the same subject, high-level ECB officials may not be employed by a credit institution for a period of 1 year from the end of their term of office.[103] In addition, the same applies to other financial institutions for a period of six months.[104] They are also not allowed to lobby the ECB for a period of six months.[105] I consider the marking of prohibited areas

[99] Amandine Hess, 'Former MEPs hunting for jobs: What are the EU's 'revolving doors' rules?' *Euronews* (13 September 2024).
<https://www.euronews.com/my-europe/2024/09/13/former-meps-hunting-for-jobs-what-are-the-eus-revolving-doors-rules> accessed 26 May 2025.

[100] See: Code of Conduct for senior ECB officials (2022/C 478/03) (hereinafter: ECB Code of Conduct).

[101] E.g. Council of the European Union, European Council.

[102] ECB Code of Conduct, art. 17.1.

[103] ibid art. 17.1(a).

[104] ibid art. 17.1(b).

[105] ibid art. 17.1(c).

of employment to be particularly useful in connection with the regulation of cooling-off periods, but this cannot be said to be new. The novelty lies in the fact that the Ethics Committee, which examines individual cases, has broader powers than similar bodies of other institutions. It may recommend that the cooling-off period be waived or reduced if there is no conflict of interest or is unlikely to arise in relation to future gainful occupation.[106] Furthermore, if necessary, if the former member wishes to work for a credit institution in the supervision of which he or she was directly involved, it may be recommended to double the grace period, i.e. to two years. This allows for significant individualization of the decisions to be made, so they can be expected to be more effective.

The internal rules of the European Court of Auditors also contain a unique obligation that can lead to the reduction of the abnormalities caused by the revolving door phenomenon. Members must immediately report *in writing* to the President and the relevant Dean if they become aware of a case of "any perceived undue influence on, or threat to, their independence by any entity external to the Court."[107] This is also important because, on the one hand, it lays the foundations of a simplified internal whistleblowing system, and on the other hand, if the members do not report such a case and it comes to light afterwards, this in itself is a basis for establishing a violation of ethical rules and initiating disciplinary proceedings.

5. Establishment of an independent ethics body

Learning from the example of the US federal government, some literature sources suggest, that the more shared the responsibility for implementing ethical regulations, the less likely it is that its application will be effective.[108] A recurring element of the EU legislation described so far is the participation of a number of separate committees regarding the application of codes of conduct. In addition, I have raised concerns about the independence of these institutional units in some places. Depending on this, it may be a legitimate question whether the European Union needs a centralized ethics body.

On 16 September 2021, the EP adopted a resolution in which it aimed to do just that.[109] The reasons for this include, for example, improving the enforcement

[106] ibid art. 17.3(a).

[107] Code of Conduct applicable to Members and former Members of the Court of Auditors, art. 19(2).

[108] Andrew Schmulow and others, 'Constructing an EU Ethics Oversight Authority A White Paper' (2022) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4298158> accessed 26 May 2025.

[109] European Parliament resolution of 16 September 2021 on strengthening the transparency and integrity of the EU institutions through the establishment of an independent EU ethics

of the ethical framework and[110] strengthening citizens' trust in decision-making processes.[111] Furthermore, perhaps the most important argument from the point of view of the article, which I cannot fail to quote verbatim:

"[W]hereas the 'revolving door' phenomenon in particular is very much on the rise; whereas many Commissioners and a third of those who were Members of the European Parliament from 2014 to 2019 have been recruited by organisations entered in the European Transparency Register; whereas this entails risks of conflict of interest with the legitimate areas of competence of the Member States and the EU institutions and of confidential information being disclosed or misused, as well as risks that former staff members may use their close personal contacts and friendships with ex-colleagues for lobbying purposes."[112]

This means full recognition by the European Parliament of what I describe as abnormal processes and events. This commitment has resulted in an interinstitutional agreement between eight institutions and advisory bodies on the establishment of an interinstitutional body on ethical standards.[113] I was sincerely happy to start interpreting the text of the agreement, thinking that its content would be something tangible and a step forward. However, the Body's mandate does not extend to anything other than the establishment of common minimum standards, the exchange of views, the interpretation of minimum standards and the promotion of cooperation between the parties.[114] Moreover, it does not have the power to apply the internal rules of the parties in individual cases.[115] Even more frustratingly, each signatory is represented on the board by one of its members, whose appointment is not subject to any ethical or educational requirements. Accordingly, a new ethics committee has been established, with non-expert and by no means independent members of the institutions, which further fragments the responsibility for the implementation of ethical rules, thus acting against their effectiveness.

The body thus created is completely different from what is described in the

body (2020/2133(INI)) (hereinafter: 2021 EP resolution).

[110] 2021 EP resolution, point G.

[111] ibid, point H.

[112] 2021 EP resolution, point L.

[113] Agreement between the European Parliament, the Council of the European Union, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions setting up an interinstitutional body on ethical standards for the members of the institutions and advisory bodies referred to in Article 13 of the Treaty on European Union [2024] OJ L 2024/1365.

[114] ibid art. 6(2).

[115] ibid art. 6(3).

EP's resolution. Originally, it was envisaged with nine members, three of whom would have been elected by the Commission, three by the Parliament, and one each would have been a former judge of the CJEU, a former President of the Court of Auditors and a former European Ombudsman.[116] This is of particular importance, as the number of members would have been odd, as opposed to the current eight, so there could not have been a tie in voting. Furthermore, one third of the members would have been made up of people who were guardians of independence, fairness and ethical behaviour within the EU.[117] In addition, its powers have been significantly reduced, and it was originally supposed to monitor compliance with codes of conduct and rules on transparency, ethics and integrity, among other things.[118] This would have provided an appropriate framework for the performance of the tasks related to its purpose.[119] This, in my opinion, resulted in a terribly simplified and modified version of an exceptionally good idea.

V. Conclusions

European integration is unique in the world. After all, we are talking about a political-economic association in which the warring parties in World War II, just over 50 years after the end of the conflict, were already working together to create an area of freedom, security and justice.[120] Today, the European Union has 27 Member States and 24 official languages. However, there are times when money talks. The EU's inadequately designed ethical system allows its officials to be employed in the private sector seemingly without any effective restrictions. Those multinational companies and interest groups that spent an average of €113 million per year in the tech sector alone between 2021 and August 2023 to influence EU policies,[121] are still there and glad to employ them. These companies thus gain access to resources that are even reflected in their stock exchange statements.[122] It seems unbelievable that the stock market valuation of certain companies increased by 0.75% in terms of the weighted average of overnight returns on the news of the recruitment of former commissioners, but it is indeed true.[123] With the current rules, it is essentially impossible to monitor whether of-

[116] 2021 EP resolution, point 25.

[117] Schmulow and others (n 108).

[118] EP resolution 2021, point 10.

[119] Schmulow and others (n 108.).

[120] Conclusions of the European Council, Tampere, 15-16 March 1999.

[121] 'Lobbying power of Amazon, Google and Co. continues to grow' (*Corporate Europe Observatory* 8 September 2023) <https://corporateeurope.org/en/2023/09/lobbying-power-amazon-google-and-co-continues-grow> accessed 27 May 2025.

[122] Luechinger and Moser (n 43) 8-12.

[123] ibid 9.

ficials leaving the EU comply with their obligations related to revolving doors.[124] And in the event that such violations come to light, no substantive sanctions can be imposed.

The Commission is creating a very interesting, almost comical situation by consistently calling the Member States to account in its rule of law reports[125] in connection with the regulation of the revolving door phenomenon,[126] while the European Union's system of norms is not adequate at all in this regard. For example, in its 2022 report, it recommended the following for Germany: "Strengthen the existing rules on revolving doors by increasing consistency of the different applicable rules, the transparency of authorisations for future employment of high ranking public officials, and the length of cooling-off periods for federal ministers and federal parliamentary state secretaries."[127] It is also worth mentioning that it is not satisfied with the Czech, Danish and Hungarian rules either.[128]

It can also be observed that institutions are only willing to deal with ethical issues under greater social pressure. In such cases, they usually calm the lay public by making some kind of a pseudo-provision. Given the EU's ever-expanding powers and the increasing impact on the lives of its citizens, as well as the democratic principles by which it should operate, it is expected to lead by example in the coming period to implement reforms that will make its ethical system actually work. It should be highlighted that the priorities to be pursued in the 2024-2029 institutional cycle include the objective of a "free and democratic Europe". This includes, inter alia, the promotion and protection of the rule of law and the strengthening of democratic resilience.[129] However, the question remains unanswered as to whether the revolving door phenomenon, that in its current state erodes the integrity and democratic nature of the EU, will be eradicated in the near future.

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[124] '„Forgóajtó-jelenség": lazák az ügynökségekre vonatkozó szabályok' (*European Court of Auditors* 27 October 2022) <https://www.eca.europa.eu/lists/ecadocuments/inagencies_2021/inagencies_2021_hu.pdf>accessed 27 May 2025.

[125] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Rule of Law Report (hereinafter: 2022 RoL Report).

[126] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Rule of Law Report (hereinafter: 2023 RoL Report).

[127] 2022 RoL Report.

[128] 2023 RoL Report.

[129] See <https://www.consilium.europa.eu/hu/european-council/strategic-agenda-2024-2029/#democratic> accessed 27 May 2025.